

1 SENATE BILL 138

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Cynthia Nava

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL PERSONNEL; PROVIDING FOR LIMITED
12 RECIPROCITY FOR INSTRUCTIONAL SUPPORT PROVIDERS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Section 22-10A-17 NMSA 1978 (being Laws 2003,
16 Chapter 153, Section 48, as amended) is amended to read:

17 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

18 A. The department shall license instructional
19 support providers, including educational assistants, school
20 counselors, school social workers, school nurses, speech-
21 language pathologists, psychologists, physical therapists,
22 physical therapy assistants, occupational therapists,
23 occupational therapy assistants, recreational therapists,
24 interpreters for the deaf, diagnosticians and other service
25 providers. The department may provide a professional licensing

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1 framework in which licensees [~~can~~] may advance in their careers
2 through the demonstration of increased competencies and the
3 undertaking of increased duties.

4 B. The department shall provide by rule for the
5 requirements for licensure of types of instructional support
6 providers. If an instructional support provider practices a
7 licensed profession, [~~he~~] the provider shall provide evidence
8 satisfactory to the department that [~~he~~] the provider holds a
9 current, unsuspended license in the profession for which [~~he~~]
10 the provider is applying to provide instructional support
11 services. The instructional support provider shall notify the
12 school district and department immediately if [~~his~~] the
13 provider's professional license is suspended, revoked or
14 denied. Suspension, revocation or denial of a professional
15 license shall be just cause for discharge or termination and
16 suspension, revocation or denial of the instructional support
17 provider license.

18 C. An instructional support provider licensed in
19 another state may be granted a license to practice in New
20 Mexico if the provider has qualifications equivalent to those
21 required of candidates originally licensed in New Mexico. The
22 applicant for reciprocity shall:

- 23 (1) verify appropriate experience;
- 24 (2) demonstrate the required competencies;
- 25 (3) provide evidence satisfactory to the

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1 department that the provider holds a current, unsuspended New
2 Mexico professional license, if applicable; and

3 (4) meet other qualifications for the license
4 applied for, including clearance of the required background
5 check.

6 D. The local superintendent or head administrator
7 of a charter school may require a mentorship period for the
8 instructional support provider if deemed necessary."

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